

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOSEPH MUNDY,

Plaintiff,

v.

LIFE INSURANCE COMPANY OF NORTH
AMERICA, *et al.*,

Defendants.

Case No. 08-cv-01576

Hon. Elaine E. Bucklo

DEFENDANT YELLOW TRANSPORTATION, INC.'S MOTION TO DISMISS

Defendant Yellow Transportation, Inc. moves under Fed. R. Civ. P. 12(b)(1) to dismiss the breach of contract claim asserted in Count I of Plaintiff Joseph Mundy's Amended Complaint, as the Court lacks original subject matter jurisdiction over this claim, and should decline to exercise supplemental jurisdiction under 28 U.S.C. § 1367. In support of its Motion, Yellow submits the accompanying Memorandum of Law and the exhibits attached thereto.

Respectfully submitted,

YELLOW TRANSPORTATION COMPANY,
INC.

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Dated: June 17, 2008

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby states that a true and correct copy of the foregoing **DEFENDANT YELLOW TRANSPORTATION, INC.'S MOTION TO DISMISS**, has been filed with the Clerk of the Court using the CM/ECF system on this 17th day of June, 2008, which will send notification to the following counsel of record:

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